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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,052	12/19/2001	Mark C. Estes	G&C 130.36-US-01	5934
22462	7590	03/27/2006	EXAMINER	
GATES & COOPER LLP HOWARD HUGHES CENTER 6701 CENTER DRIVE WEST, SUITE 1050 LOS ANGELES, CA 90045				MENDEZ, MANUEL A
ART UNIT		PAPER NUMBER		
				3763

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT      PAPER

03192006

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Commissioner for Patents

Please review the attached document.



Manuel Mendez  
Primary Examiner  
Art Unit: 3763

***Response to Amendment***

The reply filed on 10/03/2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

The examiner of record has carefully reviewed applicant's remarks presented with the amendment (reply) referenced above. In order to expedite the prosecution of this application, the examiner respectfully requests applicant to address the issue of inherency in a supplemental reply. The examiner notes that the apparatuses disclosed by Orkin, et al., and Kern, et al., appear to disclose structures that are inherently capable of suspending a delivery profile while maintaining delivery of another medication.

**FIG. 11B**

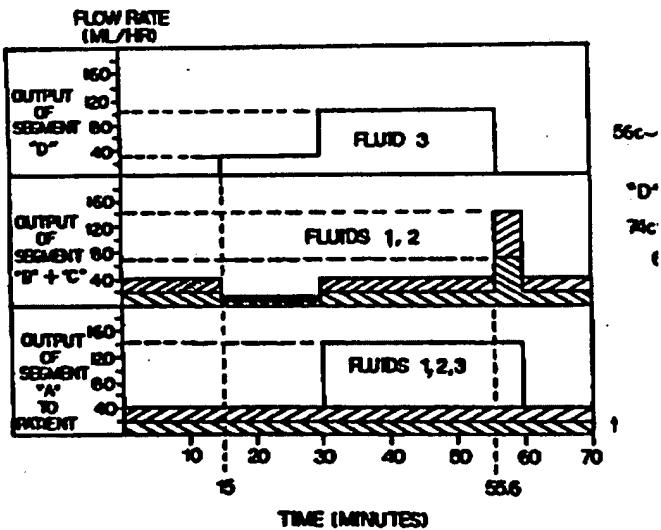


Figure 11B provides a visual representation of the infusion of different types of fluids into a patient. The algorithm represented by this picture demonstrates that the apparatus is inherently capable of suspending the delivery of one fluid while maintaining

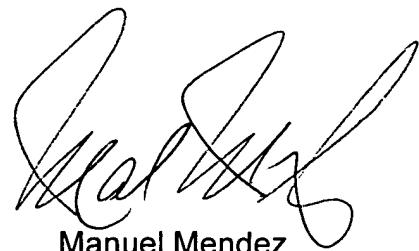
delivery of another fluid. Therefore, the examiner would like applicant to address why the apparatuses disclosed by the evidence in question, are not inherently capable of performing the limitations addressed in the pending claims, and more specifically, in the amendments presented in the reply of 10/03/2005. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manuel Mendez whose telephone number is 703-272-4977. The examiner can normally be reached on 0730-1800 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Nicholas D. Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Manuel Mendez  
Primary Examiner  
Art Unit 3763

MM